

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Fiber Technologies Networks, LLC,	)	
Complainant,	)	
Complainant,	)	
	)	Proceeding No. 14-227
v.	)	File No. EB-14-MD-015
	)	
Duke Energy Indiana, Inc.,	)	
Duke Energy Carolinas, LLC, and	)	
Duke Energy Progress, Inc.,	)	
Respondents.	)	

**ORDER OF DISMISSAL**

**Adopted: October 5, 2015**

**Released: October 5, 2015**

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On November 10, 2014, Fiber Technologies Networks, LLC (Fibertech) filed a pole attachment complaint against Duke Energy Indiana, Inc., Duke Energy Carolinas, LLC, and Duke Energy Progress, Inc. (Duke)<sup>1</sup> pursuant to Section 224 of the Communications Act of 1934, as amended (Act).<sup>2</sup>

2. On September 23, 2015, the parties filed a joint motion seeking dismissal of the Complaint with prejudice on the ground that the parties have reached a settlement resolving the issues raised in the Complaint.<sup>3</sup> The Motion states that dismissal “will serve the public interest by eliminating the need for further litigation and the expenditure of the associated time and resources of the parties and the Commission and will promote the private resolution of disputes.”<sup>4</sup>

3. We are satisfied that granting the Motion will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further expenditure of time and resources by the parties and the Commission.

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<sup>1</sup> Pole Attachment Complaint, File No. EB-14-MD-015, FCC Proceeding No. 14-227 (filed Nov. 7, 2014) (Complaint). On December 17, 2014, Duke filed Response, and on January 6, 2015, Fibertech filed a Reply. Response to Pole Attachment Complaint, File No. EB-14-MD-015, FCC Proceeding No. 14-227 (filed Dec. 17, 2014) (Response); Reply to Response to Pole Attachment Complaint, File No. EB-14-MD-015, FCC Proceeding No. 14-227 (filed Jan. 6, 2015) (Reply).

<sup>2</sup> 47 U.S.C. § 224.

<sup>3</sup> Joint Motion to Dismiss Formal Complaint, File No. EB-14-MD-015, FCC Proceeding No. 14-227 (filed Sept. 23, 2015) (Motion).

<sup>4</sup> Motion at 1-2, para. 3.

4. Accordingly, **IT IS ORDERED**, pursuant to sections 4(i), 4(j), and 224 of the Act, 47 U.S.C. §§ 154(i), 154(j), and 224, and the authority delegated in sections 0.111, 0.311, and 1.1401-1.1424 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, and 1.1401-1.1424, that the Motion is **GRANTED**.

5. **IT IS FURTHER ORDERED**, pursuant to Sections 4(i), 4(j), and 224 of the Act, 47 U.S.C. §§ 154(i), 154(j), and 224, and the authority delegated in Sections 0.111, 0.311, and 1.1401-1.1424 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, and 1.1401-1.1424, that the Complaint is **DISMISSED WITH PREJUDICE**.

FEDERAL COMMUNICATIONS COMMISSION

Christopher L. Killion  
Chief, Market Disputes Resolution Division  
Enforcement Bureau